



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/444,934	05/22/95	LAWN	R MSM101CONTC

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18M2/0716

HENDRICKS, K
EXAMINER

ART UNIT	PAPER NUMBER
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1814

DATE MAILED:

07/16/96

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Application No.

08/444,934

Applicant(s)

Lawn et al.

Examiner

Keith D. Hendricks

Group Art Unit

1814



THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☒ expires 3 months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Apr 17, 1996 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- ☒ The proposed amendment(s):

☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.

- ☒ will not be entered because:

- ☒ they raise new issues that would require further consideration and/or search. (See note below).
- ☒ they raise the issue of new matter. (See note below).
- ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- ☒ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: see attached.

- ☐ Applicant's response has overcome the following rejection(s):

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- ☐ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: none

Claims objected to: none

Claims rejected: 4-6, 8, and 20-26

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.

- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s).

- ☐ Other

ROBERT A. WAX
SUPERVISORY PATENT EXAMINER
GROUP 180

KEITH D. HENDRICKS
PATENT EXAMINER
ART UNIT 1814

Serial Number: 08/444,934

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Art Unit: 1814

ATTACHMENT TO ADVISORY ACTION

In claim 4, the first 5 lines appear to repeat themselves and thus claim the same invention twice. Line 10 of the amended claim 4 is improperly amended with a closed bracket used instead of an open bracket.

The issue of new matter and/or "new issues" refers to claims 20, 26 and 27 with the addition of the phrase referring to positions "one, two or three", or to position "three".

The phrase "has activity in a clotting assay with human plasma" is a new issue not considered previously.

Further, the issue of the deletion of the portion of the protein beyond position 242 remains (i.e. all residues C-terminal of 219).

This list is but a cursory review of the application as amended, does not constitute a further examination, and should not be construed as exhaustive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith Hendricks whose telephone number is (703)308-2959.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, whose phone number is (703)308-0196.

KDH
kdh

July 11, 1996